

# **THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS**

## **Minutes October 2, 2008**

A regular Board Meeting of the Kentucky Board of Licensure for Private Investigators was held at the Board offices, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, KY on October 2, 2008.

### **MEMBERS PRESENT**

Roger McDonald, Acting Chairman  
Jim Ringo  
Gary Tinker  
Mary Pedersen  
Daniel Triplett  
Edward Mercer  
Kathryn Witt

### **OCCUPATIONS & PROFESSIONS STAFF**

Gerald W. Hoppmann, Division Director  
Susan Ellis, Fiscal Section Supervisor  
Adriana Lang, Board Administrator

### **OTHERS PRESENT**

Ryan Halloran, Attorney  
Michael West, Attorney  
John Logdon

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### **CALL TO ORDER**

The Acting Chairman, Mr. Roger McDonald, called the meeting to order at 1:05 p.m.

### **OATH OF THE OFFICE**

Ms. Janet Cox administered the Oath of the Office to the new Board Member Ms. Kathryn Witt, representing the Sheriffs. The Acting Chairman, Mr. Roger McDonald welcomed Ms. Witt.

### **APPROVAL OF MINUTES**

The minutes of the September 4, 2008 meeting was called to the attention of the members. A motion was made by Mr. Jim Ringo to approve the minutes as amended. The motion, seconded by Ms. Mary Pedersen, carried.

### **FINANCIAL STATEMENT**

The Board reviewed the Financial Statement indicating the balances of \$146,932.85 from July 1, 2008 to August 31, 2008 and. A motion was made by Mr. Edward Mercer to accept the Financial Statement. The motion, seconded by Mr. Jim Ringo, carried.

### **DIRECTOR'S REPORT**

Mr. Hoppmann provided the Board an update on the Schroeder Measurement Technology (SMT) contract status. He provided dates that an SMT Representative (Ms. Dana Anderson-Pancoe) will meet with the Subject Matter Expert (SME) Focus Group. He also provided a copy of the e-mail that he sent to the SME Focus Group and SMT representatives coordinating the focus group sessions.

Mr. Hoppmann provided the Board an update on regulations 201 KAR 41:020 (application for licensure); 410:040 (fees); 41:060 (renewal and reinstatement procedures); 41:065 (inactive status); and 41:070 (continuing professional education requirements). He stated that there were no Public Comments and that the Subcommittee Meeting is scheduled for October 14, 2008 at 10:00 a.m. He also advised the Board that one board member should attend the meeting and that the Board attorney and he would be present. Ms. Mary Pedersen stated that she would try to attend the meeting.

Mr. Hoppmann suggested to the Board to grant delegation to one Board member to work with him and the Legislative Research Commission (LRC) related to clearing suggested technical amendments. Mr. Jim Ringo made a motion to delegate Mr. Gary Tinker to work with Mr. Hoppmann and the LRC on the Regulations. The motion, seconded by Ms. Mary Pedersen, carried.

Mr. Hoppmann discussed the Executive Order 2008-454 (May 27, 2008): *Relating to Standards of Ethical Conduct in the Executive Branch of State Government*. He explained that Sections 6, 7, and 8 relate specifically to regulatory boards and commissions, language which was pulled from HB 250 (Governor's Ethics Bill), which did not pass during the previous legislation session.

Section 6 discusses prohibitions against sitting Board members conducting business with boards on which they are members; Section 7 discusses requirements re: making general disclosures to the Board with respect to conflicts of interest, as well as specific disclosures during Board meetings, where Board members should recuse themselves from voting; and Section 8 discusses requirements for Board members to follow standards set forth in KRS Chapter 11A related to gift acceptance regulated entities and individuals.

The Executive Order was informational, which required no formal Board action.

### **LICENSURE STATUS REPORT**

The Board reviewed the licensure status report of October 2, 2008. Mr. Edward Mercer inquired about the number of licenses that were terminated, as well as the possible reasons for an increase in terminations. The Board administrator provided a detailed explanation as to the termination process, regulations and previous terminations' records. Mr. Mercer requested the Board to review the terminated report status again in December 2008. Mr. Hoppmann stated that the Division would review the numbers again, to determine if there were any trends the Board should consider in the future.

### **COMPLAINT COMMITTEE REPORT**

At the request of the acting Board Chair, Mr. Gerald Hoppmann provided the following report: Correspondence related to 07-001, which was mailed to the licensee, was returned as unclaimed. The Committee requested that Mr. Hoppmann mail the correspondence again, as well as notify the licensee, via telephone, that the correspondence has been sent again. Mr. Hoppmann agreed.

08-005- Mr. Daniel Triplett made a motion for the Division of Occupations and Professions to send a cease and desist letter. The motion, seconded by Mr. Edward Mercer, carried.

Brian Finney/Whitehall Bureau, Inc. - Based on the OIG investigation results, Mr. Edward Mercer made a motion for the Board Counsel to file an injunction with the Jefferson County Court. The motion, seconded by Ms. Mary Pedersen, carried.

Mr. Edward Mercer made a motion to delegate Ms. Mary Pedersen as the Complaint Committee Head person. The motion, seconded by Mr. Jim Ringo, carried.

### **ATTORNEY'S REPORT**

Mr. Ryan Halloran provided the Board the following reports:

He searched information on Rusty James and was unable to find any records. He stated that he will keep looking for those records.

He found information on Diane Patterson/Tony Carter. He will make a telephone call to ask Ms. Patterson for additional information.

He searched information on Mike Worley and was unable to find any records. He stated that he will keep looking for those records.

He searched information on Steve Heath and was unable to find any records. He stated that he will keep looking for those records.

He searched information on Rodney Brock and All Points Investigations, LLC. and found that those licenses are no longer active.

He will check with the hearing officer as to the status of the hearings for Rick Everroad and Robert Wilson.

He will search for the affidavit that Mr. Eric Lakes previously signed. Mr. Edward Mercer made a motion for their attorney to send a letter to Mr. Lakes' attorney, asking for clarification on what type of service Mr. Lakes provided to his firm. The motion, seconded by Mr. Gary Tinker, carried.

Mr. Halloran also informed the Board that their new attorney is Ms. Angela Evans. He will work with Ms. Evans to continue research old complaints.

### **OLD BUSINESS**

Mr. Gary Tinker provided the Board an update on the *Unlicensed Activity Report*. Mr. Edward Mercer made a motion to adopt the *Unlicensed Activity Report* as amended. The motion, seconded by Ms. Mary Pedersen, carried.

Mr. Gary Tinker provided the Board an update on the Frequently Asked Questions. Mr. Edward Mercer made a motion to adopt the Frequently Asked Questions as amended. The motion, seconded by Ms. Mary Pedersen, carried.

Mr. Tinker suggested a few changes for the Board website. He stated that the changes are necessary and it is based on the Board's laws and regulations. Mr. Hoppmann asked Mr. Tinker to send him the website changes electronically. He stated that once he received those changes he would submit the changes.

The Board reviewed an e-mail from Mr. Dan Cope requesting to withdraw his individual application. The Board agreed to approve Mr. Cope's request, and asked that the Division of Occupations and Professions send a letter acknowledging the withdraw. Mr. Halloran also stated he would review the opinion on Bonafide Employees, and address any concerns to the Board in writing.

Ms. Mary Pedersen expressed opposition to law enforcement agents working as private investigators. The Board discussed that matter.

### **NEW BUSINESS**

The Board reviewed a correspondence from the Federal Bureau of Investigation (FBI) regarding Discontinuing Expungement Notifications to Nonfederal Arresting Agencies. No formal Board action was required.

Mr. John Logdon informed the Board that he attends the Board meetings as a representative of the International Arson Association, and that he would like to have his name on the minutes as the association's representative. Mr. Ryan Halloran suggested for Mr. Logdon to have the association send a formal letter making that request, to the Board for a review.

Mr. Logdon also informed the Board that he was informed that the reason why some licensees did not renew their licenses, was because those licensees feel that the Board is not helping them. Mr. Roger McDonald thanked Mr. Logdon for his concerns.

### **APPLICATION REVIEW COMMITTEE**

Mr. Gary Tinker gave the following report from the Applications Review Committee. Mr. Jim Ringo made a motion to approve the applications committee recommendations. The motion, seconded by Mr. Edward Mercer, carried.

INDIVIDUALS APPROVED WITH PROVISIONS: *James Burns, Karen DeBoer, Stephen Kelly, Jr. and Dianne Richardson.*

INDIVIDUAL DEFERRED: *Michael Lewis.*

INDIVIDUAL DENIED: *Roger Cotterman.*

COMPANIES APPROVED WITH PROVISIONS: *Photofax, Inc., and Scope Surveillance and Investigations, Inc.*

RENEWALS APPROVED: *Brian Babbs and Stephen Smith.*

RENEWAL DEFERRED: *Lee Adam England.*

REINSTATEMENT APPROVED: *Steven Ellis.*

**TRAVEL AND PER DIEM**

A motion was made by Mr. Jim Ringo to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. The motion, seconded by Mr. Gary Tinker, carried.

**ADJOURNMENT**

The Acting Chairman, Mr. Roger McDonald informed the Board that the next meeting is scheduled for Thursday, November 6, 2008, at 1:00 p.m., the Application Review Committee Meeting at 10:00 p.m. Having no further business to be brought before the Board, a motion was made by Mr. Jim Ringo to adjourn. Motion seconded by Mr. Gary Tinker, carried. The meeting adjourned at 2:55 p.m.

**APPROVED**